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COMMISSION ON HUMAN RIGHTS
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SPECIFIC GROUPS AND INDIVIDUALS: MINORITIES

Rights of persons belonging to national or ethnic, religious and linguistic minorities

Report of the Secretary-General

Addendum

This Addendum contains the text of replies to a note verbale dated 8 October sent to Member States of the United Nations and Observer States and intergovernmental organizations, as well as to non-governmental organizations in consultative status with the Economic and Social Council, requesting information in connection with the better protection of the rights of persons belonging to minorities.

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I. REPLIES FROM GOVERNMENTS

Austria

[Original: English]
[3 December 2001]

Legal and administrative provisions for minority protection in Austria

1. Austrian Constitutional Law stipulates that all citizens are equal before the law and that no distinction may be made by law or administrative measures on the sole ground of race, colour, descent, or national or ethnic origin. Individuals are entitled to challenge laws, orders or specific administrative decisions before the Constitutional Court. Moreover, the rights and freedoms enshrined in the European Convention on Human Rights are constitutionally guaranteed in Austria. As a consequence, citizens and non-citizens may challenge legal measures before the Constitutional Court and - after the exhaustion of national remedies - before the European Court of Human Rights, if they feel discriminated against.

2. Austria has recently reiterated its commitment to the protection of ethnic minorities:

(a) By the unanimous adoption in Parliament of a constitutional provision stipulating that the language and culture of Austria's ethnic minorities are to be respected, secured and fostered. Cultural and linguistic diversity are enshrined in the Constitution as a priority objective;

(b) By the ratification of the European Charter on Regional and Minority Languages of the Council of Europe.

3. Special protection are guaranteed to minorities in Austria to allow them to preserve their own identity, language and culture. Several provisions based on the Ethnic Group Act regulate special measures on education and the use of minority languages as official languages. The Act also provides for the establishment of advisory boards for each individual national minority which observe and represent the integral cultural, social and economic interests of the six ethnic groups. They must be heard prior to the adoption of legislation and advise the Austrian Government on general policies affecting the groups' interests.

4. In more general terms, civil and administrative law contain provisions against publicly expressed prejudices and discriminatory acts against persons on the ground of race, colour, national or ethnic origin or religious belief, as well as against the dissemination of National Socialist ideas. The Industrial Code entitles the administrative authority to withdraw trading licences from persons engaged in a business or trade if they discriminate against others on the sole ground of race, colour, national or ethnic origin, religious belief or disability.

5. In addition, several specific provisions provide for the non-discriminatory treatment of persons by the police and security forces. The conduct of police officers shall clearly reflect

their impartiality, and they must avoid any behaviour that could be construed as discriminatory as regards race, colour, national or ethnic origin, religious belief or political opinion. In the case of a violation, the officer will have to expect disciplinary sanctions.

6. As regards preventive measures, human rights education is given highest priority and special programmes to prevent prejudice and discrimination have been introduced in schools as well as in the training of professionals.

7. In schools, the discussion of phenomena such as racism, xenophobia, discrimination and developments that constitute a threat to democracy or violate human rights play an important role - in view of both addressing current problems and preventing their occurrence in future. Especially on commemoration days such as the International Day for the Elimination of Racial Discrimination and the national Day against Violence and Racism, commemorating the victims of National Socialism, all teachers are called upon to take specific measures aimed at discussing, inter alia, anti-democratic tendencies, racism, hostility towards minorities, xenophobia and right-wing extremism.

8. As regards awareness-raising, programmes in the media are of particular importance: the Austrian Broadcasting Corporation (ORF) has devoted a weekly magazine prepared by its Minority Editorial Office to the situation of foreigners and minorities in Austria. Furthermore, since July 2001 in the Austrian province of Carinthia a private radio station financed by ORF performs all day broadcasts in the Slovenian language.

How best to protect the rights of persons belonging to minorities

9. It is Austria's firm belief that minorities enrich our societies. A framework of conditions needs to be established in order to guarantee the preservation of their identity, their language, tradition and culture. The United Nations has an important role to play here, in particular by taking due account of and giving full effect to the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The effective protection of minorities is also an essential element of conflict prevention and crisis management, as continuous humanitarian crisis situations involving gross violations of human rights have demonstrated again and again.

10. The resolution on the Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities introduced by Austria in the Third Committee of the current United Nations General Assembly and adopted on 28 November 2001 underlines that the promotion and protection of these rights contribute to political and social stability. The resolution reaffirms the obligation of States to ensure equal treatment for persons belonging to minorities and to facilitate their participation in all areas of the political, economic, social, religious and cultural life of society. Moreover, the importance of human rights education for the promotion of understanding and tolerance as well as the protection of cultural and religious sites of minorities is welcomed and the organs and bodies of the United Nations as well as other intergovernmental and non-governmental institutions are requested to continue their efforts to contribute to the promotion and protection of the rights of persons belonging to minorities.

11. By way of sharing examples of good practices in minority protection, an information note on the legal protection of minorities in Austria as well as on administrative provisions to promote a climate of tolerance is attached to this communication.*

Austria's views on the possible drafting of a convention on the rights of persons belonging to minorities

12. Austria does not favour such an exercise; we believe rather that for the time being, the implementation of existing conventions at the regional level, for example the Council of Europe Framework Convention for the Protection of National Minorities (to which Austria is a party), should be promoted.

Names of experts on minority issues

13. Names of experts suggested by the Government of Austria have been included in a roster, which is available in the files of the secretariat.

Recent cases relating to minority rights considered in the highest Austrian courts

14. With respect to language issues, the Austrian Constitutional Court in autumn 2000 held that a community having a Slovene-speaking population of 10.4 per cent must be considered a "mixed population" within the meaning of article 7 of the State Treaty of Vienna. Consequently, in such communities Slovene would have to be admitted as an official language in addition to German. This ruling of the Constitutional Court entered into force on 1 May 2001. The respective communities must now directly apply article 7 and decide, in the light of the said Constitutional Court ruling, whether their population is mixed or not. The Constitutional Court is currently seized of the same questions with regard to topographic sign posting.

15. Last year the Constitutional Court held that the legislation of Carinthia providing for bilingual teaching only in the first three grades of elementary school contravened the State Treaty of Vienna and was unconstitutional. Consequently, the legislation has been amended. Since the beginning of the current school year, bilingual teaching is also provided for in the fourth grade of the elementary school.

Bulgaria

[Original: English]
[22 November 2001]

1. A priority goal of the Government of Bulgaria with regard to this question is the realization of the 1999 Framework Programme for Equal Integration of Roma in the Bulgarian Society. The Programme was drafted with the active participation of Roma NGOs, and contains specific measures in a number of fields to guarantee the improvement of the situation of the Roma population.

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* Available for consultation in the files of the secretariat.

2. The National Council on Ethnic and Demographic Issues at the Council of Ministers is the main body responsible for designing and implementing the Government's policy on ethnic issues and for the enhancement of a culture of tolerance. The practice of appointing Roma experts to the regional councils on ethnic and demographic issues, established in accordance with the Framework Programme, will continue. Roma experts will also be appointed in the working groups established under the different sections of the Programme. Some of them - on health care and education - have resumed their work in the beginning of October.

3. A World Bank project of capacity-building in the national and regional administration, dealing with minority issues, is under way.

4. The implementation of a PHARE project on "Integration of Roma in Bulgarian Society" was started in October 2001. Commissions of Roma experts have been established in order to consult and coordinate the fulfilment of both components of the project: improving the access to education of Roma children, and urbanization of Roma neighbourhoods. The law on the prevention of discrimination, envisaged in the Framework Programme, is in the process of being drafted and it will be in full compliance with the provisions of the European Council Directive on equal treatment regardless of ethnic or racial origin.

5. The Government reaffirms its adherence to the principles of respect for human rights and fundamental freedoms, including the rights of persons belonging to minorities, and its readiness to work for their promotion.

Hungary

[Original: English]
[6 and 13 December 2001]

1. The Government of Hungary noted that while the network of regional arrangements and legal frameworks on minorities is tight-woven, the international community is still lacking a universal instrument of a binding character defining the rights of persons belonging to minorities.

2. Effective protection of minorities, including innovative preventive and protection measures to safeguard their rights, is all the more timely since the weight of evidence worldwide irrefutably reveals that the issue of respect for minority rights is an integral part of international peace and security as well as regional stability. There can be no freedom, democracy, justice and, consequently, rule of law when the rights of national or ethnic, religious and linguistic minorities are not respected. In accordance with Member States' common obligation derived from the Charter with regard to the promotion and protection of human rights and fundamental freedoms, the codification of norms and standards of minority protection is an urgent task for the United Nations.

3. In this regard, the work undertaken by the Council of Europe shows clear directions. With the recent adoption of Protocol No. 12 to the European Convention on Human Rights, and with the European Union Directive on equal treatment of persons irrespective of their racial or ethnic origin, Europe is about to complete the armoury of legal instruments needed to prohibit discrimination of any kind.

4. The time has therefore arrived for the United Nations to meet its historical debt with regard to the need to elaborate a legally binding convention on the rights of minorities. The upcoming tenth anniversary of the adoption of the Declaration on Minorities should be an inspiration for Member States to start work in elaborating a legally binding universal instrument.

5. Aware of its responsibility towards the effective exercise of all human rights and fundamental freedoms, Hungary has for quite some time supported and encouraged the elaboration of an international instrument within the framework of the United Nations on the universal protection of minorities.

6. In the view of Hungary, the Declaration on Minorities could serve as an important starting point in these efforts, as in the case of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the Declaration on the Elimination of Discrimination against Women, which were both followed by the drafting and adoption of an international convention on the subject.

7. The Government of the Republic of Hungary believes that a future convention on minorities may be based, inter alia, on the following: the relevant provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights; the principles of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities adopted by the General Assembly in December 1992; and the relevant documents elaborated in the framework of the Council of Europe and the OSCE. The carrying out of the work of codification could be most effectively achieved by a working group of the Commission on Human Rights, a body that throughout its history has proved to be capable of elaborating and drafting universally binding human rights instruments.

8. Furthermore, a wide range of measures needs to be included in the future convention on the rights of minorities. Such measures may - among others - include the following: international monitoring, including on-the-spot inquiry; an individual complaint mechanism; and, in due time, the appointment of a special rapporteur on violations of minority rights.

9. Hungary, for its part, stands ready and willing to make a significant contribution to the preparations and the drafting process itself.

Supreme Court cases relating to minority rights in the past five years

10 The Supreme Court deals with the rehearing ("second-instance" or appellate procedure) of civil, economic and criminal cases, and the review of final judgements where this has been requested. In labour and administrative cases, the Supreme Court only deals with review as an

exceptional legal remedy. It also deals with procedures relating to the registration of, and record-keeping on, social organizations and foundations. The following is a summary of the type of cases that have been heard by the respective divisions of the Court.

Labour law

11. One review case: a teacher was discharged from his workplace as a disciplinary punishment. The offence established was the use of inappropriate language to the children and to the parents, the making of an insinuating remark, and the discrimination and maltreatment of children belonging to the ethnic minority.

Criminal cases

12. The Supreme Court quashed a county court order for a supplementary investigation, and directed the county court to carry out the proceedings. In the course of the investigation, the defendant - an ethnic Albanian with Yugoslav citizenship - accused of the criminal offence of life-threatening bodily harm, was not advised of his right to use the native language; moreover, he was interrogated with the assistance of a Serbian-speaking, not an Albanian-speaking interpreter. The defendant did not object to the use of the Serbian interpreter, either in the course of the investigation or, indeed, in the subsequent stage of the proceedings.

13. A case of incitement against a community and other criminal offences was in the appellate and review phase before the Supreme Court. The defendant - a Hungarian citizen and a native German speaker - was sentenced by the People's Tribunal (the special court set up after the Second World War to hear the cases of war crime suspects), in 1946 for having joined the Volksbund (the associations of ethnic Germans in East-Central European countries formed, beginning in the latter half of the 1930s, at the instigation of the Nazi German authorities), which, in itself, amounted to a war crime. The Supreme Court acquitted the defendant.

Civil cases

14. On the basis of the review procedure, the Court ruled that a school, by debarring Roma children from the use of the gymnasium and conducting separate commencement exercises for Roma using the excuse of "public hygiene", infringed a right attaching to the person.

15. In its review of a case brought by Roma whose home had been set on fire, the Court ruled that the act, long with verbal abuse of the plaintiffs because of their ethnic origin, qualifies as discrimination and is an insult to human dignity and that such unlawful behaviour would substantiate liability for damages.

Administrative affairs

16. There were 17 procedures in progress in connection with the registration of and record-keeping on the social organizations and foundations of the national minorities of Hungary.

17. There were five rulings on objections to the decisions of the National Electoral Commission in connection with the election of the national minority self-governments of Hungary. Four of the objections came from the Roma minority and one from the Armenian minority.

18. There was one administrative decision that became the subject of a judicial review concerning the self-governments of the national minorities of Hungary. The relevant Supreme Court ruling stated the Roma minority spokesman is entitled to a fee in an amount identical to that received by a councillor.

19. There was a very high number of questions concerning the rights of national minorities coming up in the course of the judicial review of administrative decisions made in refugee cases. However, it must be pointed out that, in this particular category of cases, the point at issue was not the treatment of the nationalities or minorities of Hungary, but the ability to prove that foreign citizens seeking asylum in Hungary had indeed faced persecution in their home countries because of their nationality.

List of independent experts in minority rights

20. Names of experts suggested by the Government of Hungary have been included in a roster which is available for consultation in the files of the secretariat.

Lebanon

[Original: French]
[14 November 2001]

1. The Lebanese Constitution, together with other articles appended herewith,* represent irrefutable proof that persons belonging to national, ethnic or linguistic minorities are able to exercise their essential rights and freedoms without any constraint and are equal before the law.

2. Lebanon is an active founder Member of the United Nations Organization and respects its obligations under the Universal Declaration of Human Rights.

3. Lebanon is a democratic republic with a parliamentary regime based on respect for public freedoms, and in particular on freedom of opinion, belief, social justice, and equality in law and duty among citizens without any discrimination. All Lebanese citizens are equal before the law. They enjoy civil and political rights on an equal footing. Without any distinction between themselves, they assume the same rights and duties.

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* Available for consultation in the files of the secretariat.

Russian Federation

[Original: Russian]
[22 November 2001]

1. The Government of the Russian Federation reported that it takes a positive approach to the possible drafting of a universal convention on the rights of minorities, including regional standard-setting, as well as to the possibility of establishing regional institutions for conflict prevention and resolution, such as that of the High Commissioner for National Minorities of the OSCE.

2. The name of an expert suggested by the Government of the Russian Federation has been included in a Roster which is available for consultation in the files of the secretariat.

Switzerland

[Original: French]
[22 November 2001]

1. Deeply convinced that the protection and promotion of the rights of national or ethnic, religious and linguistic minorities contribute to political and social stability and peace, and enrich the cultural heritage of society as a whole, Switzerland is firmly attached to protection of the rights of minorities at the national, regional and international levels. In the context of the international treaties for the protection of human rights, Switzerland attaches great importance to the implementation of the only binding provision relating to the rights of persons belonging to minorities, namely, article 27 of the International Covenant on Civil and Political Rights, and to the effective implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 1992. At the regional level, in 1998 Switzerland ratified the Framework Convention for the Protection of National Minorities of 10 November 1994. As the only legally-binding multilateral instrument devoted solely to the protection of minorities, this Convention is a central element in the European legal order. The initial report of the Swiss Government on the implementation of the Framework Convention, dated 16 May 2001, was submitted on 4 July 2001 to the United Nations Working Group on Minorities in order to inform it of the situation of minorities in Switzerland.

2. The adoption of the above-mentioned European Convention was made possible thanks to the close relationship of the political and legal systems of the States members of the Council of Europe and their deep conviction that the end of the division of Europe offered an historic opportunity to consolidate peace, stability and democratic security on this continent through the protection of minorities. However, these particular circumstances and this conviction are not found at the international level. And furthermore, there are still considerable differences regarding the very concept of a minority. It must, however, be acknowledged that the lack of a definition of the term "minority" (notably the question of nationality) and of their specific rights (notably the question of their collective rights) did not prevent the United Nations from adopting article 27 of the Covenant and the above-mentioned Declaration of 1992, nor the Council of Europe from adopting the Framework Convention of 1994, even though this lack of a definition

undoubtedly gives rise to difficulties of interpretation and implementation both internationally and regionally. Lastly, the monitoring of the implementation of such an international convention for the protection of minorities would be extremely difficult to put in place and hard to ensure.

3. The preceding observations tend to show that the formulation - over a reasonable period - of an effective, universal convention on the rights of minorities would be very difficult at the present stage. In our view, the protection and promotion of the rights of minorities should for the time being be ensured on the basis of the legal and political instruments already available to the United Nations today. Furthermore, encouragement should be given to regional initiatives aimed at promoting and protecting the rights of national minorities with due respect for the universal standards in this area, as enunciated, inter alia, by article 27 of the Covenant and by the Declaration (General Assembly resolution 47/135 of 18 December 1992).

4. For its part, Switzerland will, at the international level, continue to: support the efforts of the Human Rights Committee to ensure implementation in law and in practice in all States, including our own, of article 27 of the Covenant relating to the rights of persons belonging to minorities; work within the Commission on Human Rights in support of a substantive resolution on the rights of minorities (a resolution which Switzerland co-sponsors every year); promote, through both political and financial support, the activities of the Working Group on Minorities and, in particular, its efforts to give practical effect to the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, notably through the adoption of a commentary on the content and scope of its provisions, so as to be able to measure the extent which the Declaration is put into effect and, where appropriate, make recommendations to States on its more effective implementation.

Turkey

[Original: English]
[23 November 2001]

1. The protection of the rights of persons belonging to minorities constitutes an integral part of the protection of human rights. Equal treatment of all nationals, irrespective of race, religion, language or any other such consideration, including the principle of equality under the law, full implementation of laws and the prohibition of all forms of discrimination are essential elements for the protection of the rights of persons belonging to minorities. Persons belonging to minorities should be given the opportunity to preserve and develop their own identity and culture.

2. Nonetheless, it is rather difficult, if not impossible, to arrive at a definition of "minority" capable of mustering universal support, since there exists no universal consensus on this issue. Likewise, customary law in this field has not yet developed. For example, the Framework Convention for the Protection of National Minorities of the Council of Europe, which is a legally binding instrument, contains no definition of "minority" and consequently leaves the States parties a measure of discretion in the implementation of the Convention.

3. Hence, it is believed that it would be difficult to obtain an outcome from any initiative aimed at drafting of a United Nations convention on the rights of minorities at this stage.

II. REGIONAL ORGANIZATIONS

Office of the High Commissioner for National Minorities (HCNM) of the OSCE

How best to protect the rights of persons belonging to minorities

1. The general approach adopted and promoted by the OSCE/HCNM in order to protect the rights of persons belonging to national minorities - and so contribute to the peaceful and constructive resolution of tensions and disputes involving minorities - is one of "integrating diversity". Broadly speaking, this means that persons belonging to minorities, acting alone or in community with others, should be given adequate opportunity to maintain and develop their distinct identities, while at the same time participating in and making a contribution to the wider society and respecting the territorial integrity of the State. It is the role of the State to develop the legal and institutional framework within which the legitimate claims of all groups may be voiced, negotiated and peacefully resolved.

2. Integrating diversity goes hand in hand with "good governance", whereby governing institutions are committed to act in the interests of their whole populations by creating comparable conditions and opportunities for all to pursue their own development and fulfil their own aspirations on an equal basis with others.

3. Good governance is firmly grounded in international human rights law which requires that States protect the rights of all those within their jurisdiction without distinction of any kind (see for example article 2 of the International Covenant on Civil and Political Rights) in recognition of the inherent dignity of each and every individual. In accordance with the principles of equality and non-discrimination, States must respect the rights of persons belonging to minorities to equality before the law and afford them the full opportunity for the actual enjoyment of all human rights and fundamental freedoms (Helsinki Final Act, principle VII). Furthermore, States have an obligation to protect the rights of persons belonging to minorities to enjoy their cultural, linguistic and religious rights in community with other members of the group (ICCPR, art. 27; OSCE Copenhagen Document, para. 33).

4. In order to achieve this protection it may be necessary for States to take special measures to ensure that the conditions exist for persons belonging to minorities to maintain and develop their own distinct cultural identities. Such measures do not constitute preferential treatment for such persons; rather, they aim to achieve equal and meaningful enjoyment of rights.

5. While the protection of persons belonging to minorities takes individual human rights as the point of departure - minority rights are not "collective rights" per se - their meaning comes through joint exercise. Rights which can be exercised both individually and in community with other members of the group and include, inter alia, the right to express and enjoy one's identity and culture; the right to use one's mother tongue in public and private; the rights to establish cultural, educational and religious institutions and seek funding for them; the freedom to practise one's religion and to do so in the mother tongue; the right to maintain contacts across frontiers; and the right to effective participation in public affairs (see Copenhagen Document, paras. 32 and 35).

6. The process of promoting integration and good governance relies, in the first place, on the recognition of cultural diversity as a positive rather than a threatening phenomenon and, second, an acknowledgement of the plurality of interests that may exist within a State. More specifically, it requires:

(a) Recognition, protection and promotion of the identity of persons belonging to minorities;

(b) Sensitivity to the needs (especially linguistic and educational) of persons belonging to minorities, which are closely connected with the right of each individual to develop his/her identity;

(c) Allowing minorities the opportunity to participate effectively in public life, including the political decision-making processes; and

(d) Providing minorities with access to a fair share of public goods, including economic opportunity.

7. The adoption and implementation of domestic legislation in accordance with international standards is fundamental to the protection of the rights of minorities in these spheres. Only then can good policies and programmes be developed. In this regard, it is essential that States address problems of both direct and indirect discrimination where they exist, both in law and practice.

8. It would be fair to say that the international standards for the protection of minorities sometimes lack clarity, leaving them open to interpretation and possible inconsistencies in application. In order to assist policy and lawmakers in implementing their commitments vis-à-vis minorities and to ensure coherence in the application of international standards in the practice of States, three sets of recommendations have been elaborated by independent experts at the request of the OSCE/HCNM. These recommendations, taking the international standards as their point of departure, aim to clarify the content of minority rights in the key fields of language, education and participation in public life (the Hague, Oslo and Lund Recommendations, respectively) and to provide guidance and practical examples of ways in which States may protect and promote the rights of minorities within their jurisdiction. In addition, the OSCE Office for Democratic Institutions and Human Rights (ODIHR), in cooperation with the Institute for Democracy and Electoral Assistance (International Idea) and the Office of HCNM, have developed practical guidelines ("Guidelines to Assist National Minority Participation in the Electoral Process") in order to give better effect to the Lund Recommendations concerning minority participation in the electoral process.

9. With regard to equal access in terms of economic opportunity, one way of ensuring that minorities do not miss out on their fair share of public goods may be the mainstreaming of the rights of minorities in national development plans and in international development cooperation. It may also be noted that a useful tool in promoting interaction and integration between different groups is to identify spaces in public life where a shared interest exists or can be developed; the economic field is one such key area.

10. Finally, however much the State organs may act in good faith to provide the legal and institutional framework within which persons belonging to minorities are able to access opportunities on an equal basis with other members of society, prejudice, mistrust and fear of minorities may still exist within the wider society. It is in the interest of both minorities and society as a whole that the State should combat discrimination and racial intolerance wherever it exists and promote a culture of tolerance and understanding between groups, whether it be through media campaigns, intercultural education or other means.

Views on possible drafting of a convention on the rights of minorities, including regional standard-setting and on the possibility of establishing regional institutions such as that of the OSCE/HCNM

11. While in principle we would support the drafting of a universal convention on the rights of minorities, in our view it is not a propitious time at which to attempt to achieve consensus on the setting of new standards. Rather, effective implementation of existing norms and standards should remain the focus of efforts to ensure the protection of persons belonging to minorities. Progress in this respect would represent a significant step forward. The current political climate notwithstanding, there might be more chance of success for new standard-setting at a regional level. The same can be said for the possibility of establishing regional institutions such as that of the OSCE/HCNM in other parts of the world.

III. NON-GOVERNMENTAL ORGANIZATIONS

The Federal Union of European Nationalities provided information on its activities and its views on the situation of national minorities.

The International Federation of Human Rights Leagues submitted reports it had prepared on various minority-related matters including with respect to the situations of Arab citizens in Israel, in Myanmar and in Chechnya.

The International Centre for Ethnic Studies suggested names of experts which are available for consultation in the files of the secretariat.

IV. UNITED NATIONS BODIES AND SPECIALIZED AGENCIES

United Nations Educational, Scientific and Cultural Organization

[Original: English]
[15 November 2001]

UNESCO indicated that its work was carried out within the terms of international standards and in that regard made reference to the provisions of, inter alia, article 27 of the International Covenant on Civil and Political Rights, article 9 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, articles 5 and 7 of the UNESCO Convention against Discrimination in Education, and article 4 of the UNESCO Universal Declaration on Cultural Diversity.

Office of the United Nations High Commissioner for Refugees

[Original: English]
[15 November 2001]

1. UNHCR's work with minorities takes place, according to its mandate, in the context of protecting and assisting persons belonging to minorities who are victims or potential victims of forced displacement. The inability or unwillingness of States to provide protection to its minorities is often at the root of forced displacement, thus creating the necessity of providing refugee protection. UNHCR's interest in the issue is not least reflected in the refugee definition of the 1951 Convention and the 1967 Protocol. In referring to nationality, religion, race and membership of a particular social group, the refugee definition ensures international refugee protection to individuals belonging to minorities and having a well-founded fear of persecution. In addition, UNCHR is engaged in a number of protection activities in the country of origin, for instance in the context of repatriation operations or when the Office becomes involved with the internally displaced, or in relation to its work concerning the reduction of statelessness. An interesting example of UNHCR's work is in relation to the situation in Kosovo, where UNHCR, in cooperation with OSCE, has provided support to ethnic minorities living in the province. The latest joint UNHCR-OSCE assessment* provides a wealth of information on the types of difficulties ethnic minorities are facing. This type of inter-agency approach may well be included in any catalogue of best practices that could be drawn up as a result of an OHCHR initiative. By way of a more general observation, persons in the field have often lacked examples of model legislation or of functioning minority protection systems in key areas, such as political, social and cultural participation or education, that could usefully be replicated elsewhere.

2. With respect to standard-setting issues, the regional legal regime that has evolved, for instance, in the context of the Council of Europe has proved to be a valuable guide and protection tool for work by UNHCR in the field (for example, the Charter for Regional or Minority Languages or the Framework Convention on the Protection of National Minorities).

3. A "globalization" of such a regional regime could advance the human rights protection of minorities and potentially help to address the root causes of forced displacement. The following areas might deserve particular attention: (i) an internationally agreed definition of minority; (ii) collective and/or individual minority protection; (iii) peaceful coexistence and its understanding in terms of civil, political, economic, social and cultural rights; and (iv) international machinery for supervising the system of protection of minorities.

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* Available for consultation in the files of the secretariat.